

# Notice of Allowability

Application No.

09/884,026

Examiner

Ian N. Moore

Applicant(s)

AKIYAMA ET AL.

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/24/2005.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 1/04,3/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 9/22/05.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other prior art labled drawings.

  
CHAU NGUYEN

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carl I. Brundidge on September 22, 2005.

The application has been amended as follows:

- In the drawing, **FIG. 6-13** have been designated by a legend --**Prior Art** - - (see attached)
- **Claim 1**, line 18, "**said carriers**" has been replaced with -- **said plurality of predetermined carriers** - -
- **Claim 1**, line 19, "**listed**" has been replaced with -- **limited** - -
- **Claim 1**, line 20, "**lower and upper**" has been inserted between "both" and "ends"
- **Claim 2**, line 2, "**said carriers**" has been replaced with -- **said plurality of carriers** - -
- **Claim 3**, line 3, "**having a transmission band**" has been inserted between "signals," and "including"
- **Claim 3**, line 14, "**said carriers**" has been replaced with -- **said plurality of predetermined carriers** - -
- **Claim 3**, line 20, "**said carriers**" has been replaced with -- **said plurality of carriers** - -
- **Claim 7**, line 21, "**said carriers**" has been replaced with -- **said plurality of predetermined carriers** - -

Art Unit: 2661

- **Claim 7**, line 23, “**lower and upper**” has been inserted between “both” and “ends”
- **Claim 8**, line 2, “**said carriers**” has been replaced with -- **said plurality of carriers** - -
- **Claim 9**, line 18, “**said carriers**” has been replaced with -- **said plurality of predetermined carriers** - - 3
- **Claim 9**, line 22-23, “**said carriers**” has been replaced with -- **said plurality of carriers** - -
- **Claim 11**, line 18, “**lower and upper**” has been inserted between “both” and “ends”
- **Claim 12**, line 23-24, “**said carriers**” has been replaced with -- **said plurality of predetermined carriers** - -
- **Claim 12**, line 25, “**lower and upper**” has been inserted between “both” and “ends”

#### *Response to Arguments*

2. Applicant’s arguments, see pages 16-20, filed 6/24/2005, with respect to amended claims 1,2,7,8,11, and 12 have been fully considered and are persuasive. The rejections of claims 1,2,7,8,11, and 12 have been withdrawn.

#### *Allowable Subject Matter*

3. Claims 1-18 are allowed.

#### *Conclusion*

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

Art Unit: 2661

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM

*JNM*

9/22/05